

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Peter Martyn et al.	Art Unit :	3692
Serial No. :	09/404,518	Examiner :	Elda G. Milef
Filed :	September 23, 1999	Conf. No. :	8450
Title :	MATCH-OFF OF ORDER FLOW IN ELECTRONIC MARKET SYSTEM		

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

On Wednesday, October 15, 2008, Examiner Elda Milef and representatives of the assignee, Mr. Denis Maloney, Mr. Sean Dean and Mr. Joseph Ardayfio conducted a telephonic interview. The parties discussed how independent claim 1 was distinguished over the cited art, especially, U.S. Patent No. 6,405,180 (Tilfors). The interview included a discussion of some of the novel features of claim 1 including "checking if a market participant identification associated with the order from the customer matches a market participant identification representing a quote in the computer system which is at a best bid or best offer price in the computer system."

The assignee's representatives pointed out that Tilfors' disclosure of different trading designations (e.g. firm, customer), is not relevant to or suggest checking whether a market participant identification associated with the order matches an order in the system at a best bid or a best offer price. Rather, the designation in Tilfors is merely used to distinguish between "private and professional investors."<sup>1</sup>

The examiner maintained her rejection of claim 1, but did not provide a rebuttal to the applicant's arguments or provide any new grounds on which the rejection would be sustained. The applicant further requested to discuss the case with the examiner's supervisor, however, the examiner declined. The examiner acknowledged that she was aware of the Board of Patent Appeals and Interferences decision (2006-3104) which reversed the rejection based on the May '653 patent and remanded the application for consideration of Tilfors as prior art.

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<sup>1</sup> See Tilfors at col. 4, lines 1-4.

The parties agreed to schedule a follow-up interview to discuss any additional findings by the examiner. The assignee's representatives attempted to contact the examiner on October 23, 2008 by leaving a voicemail on the examiner's telephone line. The representatives did not receive a return call from the examiner.

Respectfully submitted,

Date: October 28, 2008

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